Gurmukh Singh U/S Harbhajan Singh & ors.

Civil Revision No.3299 of 2006

Present: Mr.Ranjit Sharma, Advocate for the petitioner.

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This is a petition under Article 227 of the Constitution of India, assailing the orders passed by Civil Judge (Junior Division), Amritsar, whereby evidence of the defendant has been closed by order of the Court.

Counsel for the petitioner contends that on the last date of hearing, i.e., 3.4.2006, three D.Ws. were present but were not cross-examined by the plaintiffs and the witnesses were bound down for 17.4.2006. On that date, last opportunity was given to the plaintiffs to cross-examine the D.Ws., present in the Court, subject to payment of costs. On the next date, i.e., 17.4.2006, bounded witnesses were present and they were cross-examined by the plaintiffs. However, one witness, i.e., Clerk from the office of Sub Registrar, who had been summoned and whose diet money had also been deposited, could not be served inadvertently and another witness, namely, Rattan Singh also could not be present due to some urgent work. Counsel for the petitioner states that he is not, at all, interested in delaying the matter as after the evidence of the plaintiffs was closed on 3.10.2005, on every date, D.Ws. were present and were examined. The petitioner is not responsible for long pendency of the civil suit as evidence of the defendant started only on 28.11.2005.

Keeping in view the facts of the case, I do not deem it appropriate to issue notice to the respondents as the same will further delay the disposal of the case pending before the trial Court. Ends of justice in the present case will be met by granting one opportunity to the petitioner for production of entire evidence on the next date of hearing subject to payment of costs. No further adjournment for the purpose will be granted by the trial Court. The date for evidence may be given to the petitioner immediately after summer vacations. Orders of the Court below are modified to the extent indicated above.

The petition is allowed subject to payment of costs of Rs.1,000/- to the respondents.

(Rajesh Bindal)

Judge

7.6.2006

mk

DFA cdcked/ may cdnict 8/6/06

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PUNJAB & HARYANA HIGH COURT